THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.26466 of 2006

Date: 29.12.2006

Between:

1. K.Ravi Kumar, s/o Krishna Murthy,
   aged 36 years, r/o Gaddiannaram village,
   Dilsukhnagar, Hyderabad and another.

... Petitioners.

And

1. L.B.Nagar Municipality, rep. By its Commissioner,
   Ranga Reddy District and another.

... Respondents.

* * *

ORDER:

This court ordered notice before admission on 20.12.2006 and status quo was granted for a limited period and subsequent thereto the same was extended for a further limited period.

2. The writ petition is filed for a writ of Mandamus or any other appropriate writ declaring action of the respondents in purporting to consume/utilize any part of the plots of the petitioners admeasuring 548 square yards and 612 square yards respectively

situated in survey Nos.145 (part) and 149 (part) of Kharmanghat village, Saroornagar Mandal, Ranga Reddy District, without acquiring the land of the petitioners under the relevant law and without payment of compensation amount to the petitioners, as arbitrary and illegal; and consequently direct the respondents to forbear from consuming/utilizing any part of the plots of the petitioners for the purported widening of the road which is situated on the eastern side of the plots of the petitioners, without following the procedure laid down under the Land Acquisition Act, 1894 and pass such other suitable orders.

3. It is stated that the first petitioner is the absolute owner and possessor of open plot admeasuring 548 square yards in survey Nos.145 and 149 situated at Kharmanghat village, Saroornagar Mandal, Ranga Reddy District, having purchased the same under a registered sale deed bearing document No.5605 of 1999. It is also stated that the second petitioner along with her sisters are absolute owners and possessors of open plot admeasuring 612 square yards in survey Nos. 145 and 149 situated at Kharmanghat village, Saroornagar Mandal, Ranga Reddy District, having purchased the same under a registered sale deed bearing document No.5606 of 1999. It is also further stated that the first respondent caused dumping of road metal on the site of the petitioners and on 13.12.2006 the labour engaged by the first respondent commenced clearing and marking alignment of the road which is coming into petitioners' plots upto a width of about 20 feet.

4. The main grievance of the writ petitioners is that without following due process of law the respondents are carrying with its activity. It is needless to say that the respondents are bound to follow due process of law before taking of any further activity in relation to the subject matter of the writ petition.

5. Accordingly, the writ petition is disposed of directing the respondents not to disturb the possession of the petitioners relating to subject matter of the writ petition unless and until due process of law is followed. No order as to costs.

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(P.S.NARAYANA, J.)

Date: December 29, 2006.
BSB